

# **Understanding DCBS Custody & Medical Consent for Services**

Todd Meade  
CPS Specialist  
Child Safety Branch

Debbie Acker, RN  
Nurse Service Administrator  
Medical Support Section

Division of Protection & Permanency  
Department for Community Based Services  
Cabinet for Health and Family Services

## Types of DCBS Custody

- ❖ Emergency
- ❖ Temporary
- ❖ Commitment

# Emergency Custody

1. **A parent or judge grants approval of medical procedures\*.**
2. The DCBS social worker or supervisor may authorize treatment in an emergency when the child requires immediate medical attention and the parent or judge cannot be located.
3. The caregiver (i.e. foster parent) authorizes treatment when the worker or supervisor cannot be located.

**\*Blanket consent for medical services that are for prevention and treatment signed by the parent or judge is sufficient.**

# Temporary Custody

1. **A parent or judge grants approval of medical procedures\*.**
2. The DCBS social worker or supervisor may authorize treatment in an emergency when the child requires immediate medical attention and the parent or judge cannot be located.
3. The caregiver (i.e. foster parent) authorizes treatment when the worker or supervisor cannot be located.

**\*Blanket consent for medical services that are for prevention and treatment signed by the parent or judge is sufficient.**

# Emergency or Temporary Custody

- DCBS cannot consent for invasive procedures (such as: surgery, blood draws, immunizations).
- These require parental or judicial consent.

# Emergency or Temporary Custody

It is always the goal of DCBS to have both biological parent and foster parent at the medical visit. This...

- Affirms the parent's role
- Encourages their continued involvement
- Encourages their responsibility for the child
- Provides that the parents are available if needed for further consent.

One exception: a no contact order between parent and child.

# Commitment

- A child is committed to the Cabinet when Court determines that abuse/neglect has occurred and it is not safe for the child to return home at this time.
- Parental rights are still intact but DCBS is acting in the place of the parent with full parental authority.
- However, in every case where parental rights are intact, parents are involved as much as possible.
- DCBS can consent for medical treatment.

# Termination of Parental Rights (TPR)

- The Court has determined that the parents no longer have legal rights regarding the child.
- SSW or FSOS consents to medical services.
- In an emergency, the caregiver (i.e. foster parent) can consent, if the SSW or FSOS is unavailable.



## A child living with a relative:

A relative can either have formal or informal care and control of the child.

- **Formal:**

- Court ordered custody (temporary or permanent) to the relative; relative can consent.

- **Informal:**

- Custodial parent makes the arrangement on their own; child lives with relative, parent retains custody.
- DCBS facilitates the arrangement for the child to live with a relative on a Prevention Plan; parent still retains custody.

## Some questions:

- 1) **If a parent requests a child's medical record, how do you know whether or not their rights have been terminated?**
  - You would not necessarily know.
  - TPR status is highly protected by statute and a specific fact situation would need to be considered by Office of Legal counsel before a DCBS worker should disclose that TPR has occurred.

## Some questions:

### **2) Who can request records when the child has been removed from the home?**

- The legal custodian (may be DCBS, or relative).
- Parents, if there has been no TPR.
- DCBS workers should have the Informed Consent and Release of Information form signed by parent or court order of the same, signed by a Judge.

## Some questions:

### **3) Can an out-of-state social worker sign consent for medical services for a child placed in a Kentucky facility?**

- Yes, if the child is in the legal custody of the other state's agency.
- They also should have a consent form signed by the parent, or a court order.
- It is the same regarding the obtaining and forwarding of medical records.

## Some questions:

### **4) What is a Medical Passport that DCBS refers to?**

The Medical Passport is a binder which contains the child's medical history and must be maintained continuously by DCBS. It accompanies the child in each OOHC placement.

# Forms in a Passport

- Authorization for the child's medical treatment
- Information about payments for medical services
- Physical health examinations and treatment
- Medical history
- Immunizations
- Allergies
- Mental health screening
- Dental Care
- Visual screening

# Questions